

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (No. IV)

: Consolidated Under  
MDL DOCKET NO. 875

BENJAMIN HILL CARTER, JR.

: E.D. PA Civil Action No.  
09-cv-74351\* file

v.

FIBERBOARD CORP., et al.

**FILED**

**FEB 29 2012**

*MICHAEL KUNZ Clerk*  
*S. Dep. Clerk*

Transferor Court:  
S.D. Georgia  
91-00164

L **O R D E R**

AND NOW, this 28 day of February, 2012, upon consideration of  
the pleadings and the record herein, and after review of the Report and Recommendation of M.  
Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:<sup>1</sup>

Defendant CSX Transportation's Motion to Strike the Rebuttal Expert  
Report of Dr. James Millette [See Docket #23] is **GRANTED**. This  
expert report fails to directly rebut the Defendant's experts and Plaintiffs  
have presented no justification for a delayed expert report.

It is further **ORDERED** that Judge Angell's Report and  
Recommendation is **APPROVED** and **ADOPTED**.

BY THE COURT:

Feb. 28, 2012

*Eduardo C. Robreno*  
EDUARDO C. ROBRENO, J.

\* This ruling applies to all of the cases in which Dr. Millette has been offered as a "rebuttal" expert as identified in Exhibit "A."

<sup>1</sup>No objections have been filed.

**EXHIBIT "A"**

<i>Benjamin Hill Carter, Jr.</i>	2:09-cv-74351-ER
<i>Bobby R. Carter, Sr.</i>	2:09-cv-92628-ER
<i>Jesse Ralph Carter,</i>	2:09-cv-74410-ER
<i>Orville Carter,</i>	2:09-cv-74246-ER
<i>Elmon L. Courson,</i>	2:09-cv-74337-ER
<i>Walter Lee Easton,</i>	2:09-cv-74467-ER
<i>Robert C. Ellis,</i>	2:09-cv-74484-ER
<i>Jack B. Howell,</i>	2:09-cv-92610-ER
<i>Eddie Lamorris Hyers,</i>	2:09-cv-74245-ER
<i>Warren Johnston, Jr.,</i>	2:09-cv-92657-ER
<i>Henry H. Jones,</i>	2:09-cv-92661-ER
<i>Ronald K. Regulas, Sr.</i>	2:09-cv-92660-ER
<i>Raymond L. Rosenblatt,</i>	2:09-cv-92640-ER
<i>George A. Shuman,</i>	2:09-cv-92636-ER
<i>John M. Taylor,</i>	2:09-cv-92637-ER
<i>Thomas Wilson,</i>	2:09-cv-92607-ER
<i>Roscoe Wolfe,</i>	2:10-cv-60978-ER